

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN G SLYE
Claimant

APPEAL 15A-UI-13201-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/15
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating of Claim

STATEMENT OF THE CASE:

Steven Slye (claimant) filed a timely appeal from the November 17, 2015, (reference 02) unemployment insurance decision that denied the request to backdate the claim for benefits prior to November 1, 2015. After due notice was issued, a hearing was held by telephone conference call on December 14, 2015. The claimant participated on his own behalf.

ISSUE:

Should the claimant's request to backdate the claim prior to November 1, 2015, be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of November 1, 2015, and desires to backdate the claim to October 25, 2015. The claimant delayed in filing the claim because he was taken aback and distraught by his termination the previous week. He felt unable to emotionally handle speaking with members of the public regarding his situation. However, he felt comfortable speaking with close business contacts and mentors that week about his discharge and seeking further employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is denied.

Iowa Admin. Code r. 871-24.2(1)h(1), (2) provide:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

h. Effective starting date for the benefit year.

(1) Filing for benefits shall be effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(2) The claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim for the following reasons:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

The claimant's inability to file for unemployment benefits due to being upset about his separation is not a good cause reason for the delay in filing the claim. Many individuals seeking unemployment insurance benefits have experienced a less than amicable separation from their employment causing them to be emotionally distraught and that does not alleviate their responsibility to timely file for benefits. Especially when considering that the claimant was able to speak with other members of the community about his separation and could have filed for his benefits online which would have prevented him from having to speak with a person to obtain benefits. Backdating is denied.

DECISION:

The November 17, 2015, (reference 02) unemployment insurance decision is affirmed. The claimant's request to backdate the claim to October 25, 2015, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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